

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII


WAYNE BERRY, a Hawaii citizen;)	CIVIL NO. CV03-00385 SOM-LEK
)	(Copyright)
)	
Plaintiff,)	DEFENDANT PCT'S MOTION IN
)	LIMINE NO. 4 (TO EXCLUDE
)	EVIDENCE OR ARGUMENT THAT
vs.)	ANY INFRINGEMENT HAS BEEN
)	WILLFUL AND TO REQUIRE
HAWAIIAN EXPRESS SERVICE,)	REFERENCE TO THE INSTANT
INC., et al.,)	INFRINGEMENT AS
)	"INADVERTENT" OR
Defendants.)	"INNOCENT")
)	
)	
)	Judge: Hon. Susan O. Mollway
)	Trial Date: January 24, 2006
)	
)	Hearing Date: January 20, 2006
)	Hearing Time: 2:00 p.m.

**DEFENDANT PCT'S MOTION IN LIMINE NO. 4 (TO EXCLUDE
EVIDENCE OR ARGUMENT THAT ANY INFRINGEMENT HAS BEEN
WILLFUL AND TO REQUIRE REFERENCE TO THE INSTANT
INFRINGEMENT AS "INADVERTENT" OR "INNOCENT")**

COMES NOW Defendant PCT, by and through its attorneys, and hereby
moves this Honorable Court in limine for an Order excluding evidence or
argument that any infringement has been willful and to require reference to the
instant infringement as "inadvertent" or "innocent."

This motion is based upon Rule 7 of the Federal Rules of Civil Procedure and Rules 401, 402, 403, and 404 of the Federal Rules of Evidence, and is supported by the Memorandum in Support of Motion, Declaration of Lex R. Smith, and Exhibits attached hereto and the records and files herein.

DATED: Honolulu, Hawaii, January 3, 2006.



KOBAYASHI, SUGITA & GODA
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